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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BAHMAN KAYHAN KHADIV,
Plaintiff,

v.

LORETTA E. LYNCH, Attorney General
of the United States;
JEH CHARLES JOHNSON, Secretary of the
Department of Homeland Security;
JOHN KRAMAR, District Director, San Jose
U.S. Citizenship and Immigration Services,
Defendants.

C 16-06691 NC

**STIPULATION REMANDING CASE TO
UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES, PURSUANT TO 8
U.S.C. § 1447(b) and ORDER**

1. Plaintiff commenced an action pursuant to 8 U.S.C. § 1447(b), requesting this Court to adjudicate his application for naturalization that was pending before the United States Citizenship and Immigration Services (“USCIS” or “the agency”) for more than 120 days after Plaintiff had been interviewed.

2. USCIS is now prepared to resolve this matter by adjudicating Plaintiff’s application for naturalization. However, USCIS cannot adjudicate the application unless and until the Court remands the matter to the agency. *See* 8 U.S.C. § 1447(b) (explaining that the district court “may remand [a

Section 1447(b) case], with appropriate instructions, to the [USCIS]”); *United States v. Hovsepian*, 359 F.3d 1144, 1160 (9th Cir. 2004) (accord).

Accordingly, IT IS HEREBY STIPULATED that:

1. The Court shall remand this case to USCIS, directing the agency to take any and all necessary actions, and issue a decision on Plaintiff’s application for naturalization within 60 days of the remand order.

2. If USCIS does not issue a decision on Plaintiff’s application for naturalization within the time frame set forth in paragraph 1 above, Defendants will not oppose any request by Plaintiff to this Court to vacate the remand order and thereby re-assert jurisdiction over Plaintiff’s action pursuant to 8 U.S.C. § 1447(b). Each party will bear their own costs and attorney fees.

Date: February 23, 2017

Respectfully submitted,

BRIAN J. STRETCH
United States Attorney

/s/
SARA WINSLOW
Assistant United States Attorney
Attorneys for Defendants

Dated: February 23, 2017

/s/
GABRIEL D. JACK
Attorney for Plaintiff

ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Date: February 23, 2017

STIPULATION TO REMAND
C16-06691 NC

